

ORDINANCE NO. 11- 1567

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 2 "ADMINISTRATION" AND SPECIFICALLY CREATING SECTION 2-152 "OUTSIDE EMPLOYMENT BY TOWN EMPLOYEES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, several instances have come to the attention of the Town Manager where employees of the Manager have accepted outside employment that have been detrimental to the Town; and

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to establish guidelines for outside employment by Town employees and to prohibit outside employment conflicting with Town business except as otherwise determined by the Town Manager; and

WHEREAS, The Town Commission concurs with this policy and finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:

**Section 1.**     **Recitals.**    The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2.**     **Code Amendment.**   The code of the Town of Surfside, Florida is hereby amended as follows:

**Sec. 2-152. Outside employment by Town employees.**

a. Generally prohibited.

1.) No full-time employee of the Town Manager shall accept outside employment, either incidental, occasional or otherwise, where Town time, equipment or material is to be used or where such employment or any part thereof is to be performed on Town time.

- 2.) No part-time employee shall accept outside employment during such hours and times that are committed to employment by the Town of Surfside, nor shall equipment or material belonging to the Town of Surfside be used by any part-time employee for employment outside the Town of Surfside.
- b. When permitted. A full-time Town employee may accept incidental or occasional outside employment so long as such employment is not contrary, detrimental or adverse to the interest of the Town or any of its departments and the approval required in subsection (c) is obtained.
- c. Approval of Town Manager required. Any outside employment by any full-time Town employee must first be approved in writing by Town Manager who shall maintain a complete record of such employment.
- d. Penalty. Any employee convicted of violating any provision of this section shall be punished as provided in Section 1-8, and, in addition thereto, shall be subject to dismissal by the Town Manager.

**Section 3. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

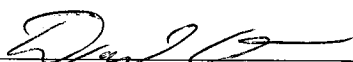
**Section 4. Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 5. Inclusion in the Code of Ordinances.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 18 day of January 2011.

PASSED and ADOPTED on second reading this 8 day of February 2011.

  
\_\_\_\_\_  
Daniel Dietch, Mayor

Ordinance No. 1567

Attest:

Debra Eastman

Debra E. Eastman, M.M.C., Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

E. M. Dannheisser

E. M. Dannheisser, Town Attorney

On <sup>Second</sup>~~First~~ Reading Moved by: Commissioner Kopelman

On Second Reading Seconded by: Commissioner Karukin

**Vote:**

Mayor Dietch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Graubart	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Karukin	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Kopelman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Olchyk	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>